

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SYNCORA GUARANTEE INC., formerly  
known as XL CAPITAL ASSURANCE INC.,

Plaintiff,  
-against-

EMC MORTGAGE CORPORATION,  
Defendant.

Civ. Action No. 09 CV 3106 (PAC)

[PROPOSED] AMENDED  
SCHEDULING ORDER

PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

It is hereby ORDERED that the dates in the above-captioned proceeding set forth in the May 5, 2009 Civil Case Management Plan and Scheduling Order, the Amended Schedule Order dated January 19, 2010, the Amended Scheduling Order dated March 23, 2010, the Amended Scheduling Order dated September 13, 2010, and the Amended Scheduling Order dated April 18, 2011 have been adjourned as follows:

1. All fact depositions and fact discovery must be completed by March 16, 2012, except that borrower discovery may continue until 90 days prior to trial.
2. Requests to Admit must be served by March 30, 2012.
3. The designation of expert testimony and disclosure of expert reports as to any issue on which a party has the burden of proof (“Opening Reports”) must be made by May 18, 2012.
4. All expert reports responsive to Opening Reports (“Opposition Reports” ) must be disclosed by June 29, 2012.
5. By July 27, 2012, the opening parties must disclose any reply reports rebutting specific material in the Opposition Reports (“Rebuttal Reports”).

6. All expert discovery, including depositions, must be completed by September 21, 2012.
7. All motions for summary judgment must be served by October 19, 2012.
8. All oppositions to summary judgment must be served by November 16, 2012.
9. All reply briefs in support of summary judgment must be served by December 14, 2012.
10. The parties will submit a joint pretrial order on January 9, 2012.
11. Trial shall begin no earlier than February 20, 2013.

Dated: New York, New York  
January 17, 2012

SO ORDERED:



PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE